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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,191	08/04/2003	Hsu Hsiu-Kwei Liu	CFP-2166 (15722-562)	7078
23595	7590	06/17/2004	EXAMINER	
NIKOLAI & MERSEREAU, P.A. 900 SECOND AVENUE SOUTH SUITE 820 MINNEAPOLIS, MN 55402			SMITH, RICHARD A	
			ART UNIT	PAPER NUMBER
			2859	

DATE MAILED: 06/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/634,191	LIU ET AL.	
	Examiner	Art Unit	
	R. Alexander Smith	2859	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to because 60 in figure 2 is not pointing to the rod. Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

The specification is objected to because of the following informalities:

- a. Page 4, line 18, "explosive" should be --exploded--.
- b. Page 4, line 26, "explosive" should be --exploded--.
- c. Page 9, line 17, "8~10" should be --8-10--.
- d. The abstract is objected to because 37 CFR 1.72 requires that the abstract be limited to 150 words.

*Claim Objections*

\*\*\* Claims 1-20 are objected to because of the following informalities:

Claim 1: "pivotal" in line 25 should be --pivoting--.

Claim 3: "for abutting the movable jaw the release carrier" at the end of the claim is grammatically incorrect.

Claim 7:

- a. "the locking device" in lines 2-3 lacks an antecedent. Furthermore, it is unclear if the antecedent is the locking plates introduced in claim 1, the connecting device introduced in claim 6, or is a separate unrelated locking device.
- b. "two screw" in line 4 should be --two screws--.

Claim 13: It is unclear if "including an open end for receiving a fastening element, a bottom and a reduced top" in lines 3-5 are limitations of the groove, the second face, or the body.

Claim 16:

- a. "the locking device" in lines 2-3 lacks an antecedent. Furthermore, it is unclear if the antecedent is the locking plates introduced in claim 13, the connecting device introduced in claim 15, or is a separate unrelated locking device.
- b. "two screw" in line 4 should be --two screws--.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 7, 8, 11, 12, 16, 17 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP

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§ 2172.01. The omitted structural cooperative relationships for claims 7, 11, 16 and 20 are as noted below

Claim 7:

The claim is replete with structural relationship problems. What are the two individual members? There is no structure defined in the claims for these members other than each has a dovetail groove. There is no structural relationship defining their relationship with respect to the guide clamp or the body of the guide clamp. There is no structural relationship defining each of the members positioning with respect to the other member. Is "the locking device" in lines 2-3 part of the locking plates introduced in claim 1, the connecting device introduced in claim 6, or a separate unrelated locking device.

For the purpose of applying the prior art in this Office action and to expedite prosecution, the examiner is treating these two individual members as two said bodies wherein one said member has said stationary jaw and cam at a longitudinal end with the limitations as stated in claim 1 and the other member has said movable jaw with the limitations as stated in claim 1 and is joined to the opposite longitudinal end of the one member by a connection device of claim 6 (which is also the locking device of claim 7) with the limitations as described in claim 7.

Claim 16:

The claim is replete with structural relationship problems very similar to those identified for claim 7 above. What are the two individual members? There is no structure defined in the

claims for these members other than each has a dovetail groove. There is no structural relationship defining their relationship with respect to the guide clamp or the body of the guide clamp. There is no structural relationship defining each of the members positioning with respect to the other member. Is "the locking device" in lines 2-3 part of the locking plates introduced in claim 13, the connecting device introduced in claim 15, or a separate unrelated locking device.

For the purpose of applying the prior art in this Office action and to expedite prosecution, the examiner is treating these two individual members as two said bodies wherein one said member has said stationary jaw and cam at a longitudinal end with the limitations as stated in claim 13 and the other member has said movable jaw with the limitations as stated in claim 13 and is joined to the opposite longitudinal end of the one member by a connection device of claim 15 (which is also the locking device of claim 16) with the limitations as described in claim 16.

Claims 11 and 20:

For each of these claims, the position and orientation of the guide clamps relative to each other is missing and of the groove's orientation with respect to each of the guide clamps

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-6, 9, 10, 13-15, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 4,348,276 to Griset in view of U.S. 5,348,276 to Blacker.

Griset discloses most of the limitations of claims 1-6, 9, 10, 13-15, 18 and 19 when:

a. The body is G, the rod is R, the stationary jaw is C, the movable jaw assembly is S, and the cam is part of lever L as described in column 4, lines 45-64, the end cap is E.

b. The movable jaw assembly S includes the movable jaw 51, the plurality of locking plates 52 wherein each includes an upper portion defining an aperture 60 and a lower portion 61 extending from the upper portion at an angle, the release carrier 53, and when the sliding and locking is as described in column 5, line 46 through column 6, line 59.

c. The movable jaw includes the first end 58, a second end, a bottom, a top, two walls (figure 8, the walls of 54 that border passageway 55) and a recess 55 defined in the top and when the release carrier includes the connector 64 and the enlarged end 64a.



d. The two individual members that are connected to each other are lever L and rod R and the connecting device is pin 40. Furthermore, the applicant should note that there is no structure defined for the two individual members or the connecting device in claims 5, 6, 14 and 15.

e. The guide clamp set including two guide clamps according to claims 1 or 13 and a connecting device for connecting the guide clamps with each other. See figure 10 for the two guide clamps and figure 11 for the connecting device.

Furthermore with respect to claim 13, Griset discloses the body (figure 8) includes a first face (58) for contact with an object and a second face (to the right of 54, inclusively) defining a groove (55) including an open end (to the right of 54 and 55) for receiving a fastening element (64a), a bottom (of 51) and a reduced top (by 55 being narrower than 64a) for trapping the fastening element.

Griset does not disclose the movable jaw assembly including a spring compressed between the movable jaw and the locking plates for returning the upper portions of the locking plates to the normal position.

Blacker discloses a guide clamp wherein a spring 8 is used to align upper portions of locking plates 9 perpendicular (normal) to a rod 4 when the locking plates are not being forced into a locking tilt position, said normal position allowing easier sliding of the attached movable jaw along said rod. See column 3, line 45 through column 4, line 8. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to add the spring and the feature of the spring biasing the locking plates normal, as taught by Blacker, to the guide clamp, taught by Griset, in order to allow easier movement of the movable jaw when the clamping pressure is released.

***Allowable Subject Matter***

6. Claims 11, 12 and 20 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office Action and to include all of the limitations of the base claim and any intervening claims.

7. Claims 7, 8, 16 and 17 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, and the claim objections set forth in this Office Action and to include all of the limitations of the base claim and any intervening claims.

8. As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. The prior art cited in PTO-892 and not mentioned above disclose related

Of particular note with respect to claims 9, 10, 18 and 19: In addition to the above applied rejection, Blacker also shows two separate and independent guide clamps being clamped together to form an integral guide clamp set. See figure 5.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to R. Alexander Smith whose telephone number is 571-272-2251. The examiner can normally be reached on Monday through Friday from 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego F. Gutierrez can be reached on 571-272-2245. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



R. Alexander Smith  
Examiner  
Technology Center 2800

RAS  
June 14, 2004